

**UNITED STATES DISTRICT COURT
DISTRICT OF OREGON**

Case No. **3:16-cr-00051-BR**

Date: **November 30, 2016**

Case Title: **US v Bundy, et al**

Presiding Judge: **Anna J. Brown**

Courtroom Deputy: **Bonnie Boyer**

DOCKET ENTRY: Order

Having made a preliminary review of the Motion (#1581) of "Interested Media" to Intervene, to Modify Protective Order, and for Release of Jurors Names, the Court makes the following Order:

The Court agrees the Interested Media have standing to make this Motion and, therefore, it is not necessary for the Court to determine whether a formal motion for intervenor status must be heard and granted. The Court, therefore, **denies as moot**, that part of Motion #1581 by which the Interested Media seek intervenor status in this proceeding.

The Court notes the Interested Media did not address in its arguments the fact that another jury trial as to seven other Defendants remains set for February 14, 2017, and did not offer any analysis whether the issues related to empaneling a fair and impartial jury for that trial bear on the Court's assessment of the factors to be considered in deciding Motion #1581. In particular, the Court notes that Defendant Jason Patrick (through Standby Counsel Andrew Kohlmetz) sought at the November 21, 2016, Status Hearing (and subsequently received) authorization to retain a jury consultant on behalf of all Defendants set for trial on February 14, 2017, because, according to Defendants, there exists in social media and possibly elsewhere evidence of significant negative sentiments against the jurors from the first trial. These are, of course, the same jurors whose identities the Interested Media now seek.

In light of such assertions, the Court concludes a factual record needs to be developed as part of the process to resolve this Motion addressing the potential for any risks to jurors from the first trial, potential jurors for the February 14, 2017, trial, and the judicial process associated with these proceedings in general arising from the requested disclosure of the identities of the jurors involved in the first trial.

Accordingly, the Court directs counsel for the Interested Media to confer with Mr. Kohlmetz (and as needed with counsel for the government and the other Defendants set for trial on February 14, 2017) to determine the factual bases for Defendants' concerns about anti-juror sentiments arising from the first trial that may affect the jury selection process for the February 14, 2017, trial and that may bear on the Court's resolution of this Motion. In addition, the Court directs the Interested Media to file **no later than Noon on December 15, 2016**, a supplemental memorandum addressing the concerns expressed in this Order.

Finally, to the extent any party to the February 14, 2017, trial wishes to be heard on this Motion, such party must file **no later than Noon on December 15, 2016**, a memorandum stating that party's analysis of the issues raised by this Motion.

The Court will issue another scheduling order after reviewing the record as of the December 15, 2016, filings.